IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 462 of 2003()

S.T.NO.2102/1996 OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-III, THRISSUR

CRL.A.NO.502/2000 OF III ADDL.SESSIONS JUDGE, (AD HOC), FAST TRACK COURT NO.I, THRISSUR.

REVN. PETITIONER: APPELLANT/ACCUSED

BABU S/O. KARYEDATH VISWAMBARAN,
VARANDARAPILLY VILLAGE, DESOM, THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.1623/2003 IN CRL.R.P.NO.462/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

21/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.462 of 2003

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Dated this the 21st day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337 and 338 I.P.C and sentenced to undergo rigorous imprisonment for three months each and to pay a fine of Rs.1000/- each and in default to undergo simple imprisonment for three months for the offence under Section 279 and 338 I.P.C. He is also sentenced to pay a fine of Rs.500/- with respect to the offence under Section 337 I.P.C and in default to undergo rigorous imprisonment for one month.

2. The prosecution case is that on 27/09/1996 at about 11.30 a.m the accused drove bus bearing Reg.No.KRH 8440 through the Thrissur-Amballur N.H from south to north in a rash and negligent manner so as to endanger human life and hit on the rear side of another passenger bus bearing Reg.No.KL8.A.7200 which was lying stationary and as the result of which the passengers of both the vehicles sustained injuries including grievous injuries.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that almost 10 years have elapsed since the date of the incident and that so far the accused was

facing the criminal proceedings and that he is the only earning member of his family. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 338 I.P.C is modified to imprisonment till the rising of the court and to pay compensation of Rs.7,500/- (rupees seven thousand and five hundred) each to PWs.4 and 10 who sustained grievous hurt and in default to undergo simple imprisonment for four months each. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted two months time to remit the compensation amount. The accused shall appear before the Judicial Magistrate of the First Class-III, Thrissur, on 21/01/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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